

NISHIOKA & FUJIOKA  
A Law Corporation

GREG NISHIOKA 4004-0  
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Attys. for Plaintiff

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 07 2005

at 12 o'clock and 00 min. PM  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION and BIG ISLAND TOYOTA,	)	Civil No.04-00724 HG/BMK
Plaintiffs,	)	PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT PIRELLI CABLE NORTH AMERICA, INC; DECLARATION OF COUNSEL; EXHIBITS A; ENTRY OF DEFAULT AGAINST DEFENDANT PIRELLI CABLE NORTH AMERICA, INC.; CERTIFICATE OF SERVICE
vs.	)	
YOUNG BROTHERS, LIMITED; HAWAIIAN ELECTRIC COMPANY, INC.; AMERICAN PACIFIC TRANSPORT CO., LTD.; PIRELLI CABLE NORTH AMERICA, INC.,	)	
Defendants.	)	
	)	

PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT  
PIRELLI CABLE NORTH AMERICA, INC.

Plaintiffs, by and through their attorneys above-named, hereby request the Clerk of this Court to enter Default in the above-entitled action against Defendant Pirelli Cable North America, Inc. (hereinafter "Pirelli"), on the grounds that Pirelli failed to answer or otherwise defend against the First Amended Complaint filed against it on 10/19/05 and has entered no appearance. This request is made pursuant to F.R.C.P. Rule 55,

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the Declaration of Counsel and exhibits attached hereto and the records and files herein.

Dated: Honolulu, Hawaii, December 7, 2006.



Greg Nishioka  
Attorney for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No. 04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	
Plaintiffs,	)	DECLARATION OF GREG NISHIOKA
	)	
vs.	)	
	)	
YOUNG BROTHERS, LIMITED;	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF GREG NISHIOKA

COMES NOW GREG NISHIOKA and under penalty of perjury states that the following is true and based on personal knowledge:

1. Declarant is an attorney licensed to practice law before all Courts in the State of Hawaii and as an attorney for Plaintiffs familiar with the facts herein and authorized to make this Declaration.
2. That on October 19, 2005 a First Amended Complaint was filed;
3. That on November 10, 2005 the First Amended Summons was filed;
3. That Defendant Pirelli Cable North American Pacific, Inc. Was served with the First Amended Complaint and

EXHIBIT 4

First Amended Summons by Eleanor's Legal Support on March 22, 2006. A copy of the Return of Service is attached hereto as Exhibit A;

4. The defaulting defendant was served more than twenty (20) days ago and they has not answered or otherwise plead in this action.

5. Therefore Plaintiffs request entry of default by Clerk of this Court against Pirelli Cable North America, Inc. for failure to answer or otherwise plead.

FURTHER DECLARANT SAITH NAUGHT.

Dated: Honolulu, Hawaii, December 7, 2006.

  
GREG NISHIOKA

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

APR 03 2008

at 7:30 a.m.  
SUE BEITIA, CLERK

NISHIOKA & FUJIOKA  
A Law Corporation

GREG NISHIOKA 4004-0  
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Telephone: (808) 524-8833

Attys. for Plaintiff

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No. 04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	
Plaintiffs,	)	RETURN OF SERVICE
	)	
vs.	)	
	)	
YOUNG BROTHERS, LIMITED;	)	(Re: Pirelli Cable North
HAWAIIAN ELECTRIC COMPANY,	)	American Pacific, Inc.)
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

RETURN OF SERVICE

Service was made at: CORPORATION SERVICE COMPANY

5000 THUERMOND HALL Blvd, COLUMBIA, SC 29201

Service of First Amended Complaint, Summons filed 10/19/05 and First Amended Summons filed 11/10/05 was made upon Defendant Pirelli Cable North America, Inc.

Service of said First Amended Complaint, Summons and First Amended Summons was made on another individual named below.

Signature (received by): Refused to Sign

Print Name: ERIN DALEY

Title or Position: LEGAL ASSISTANT

EXHIBIT A

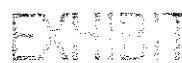
EXHIBIT

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Date: MARCH 22 2006 Time: 2:40pm

Served by (signature): Rhonda Nesbitt

Print Name: RHONDA NESBITT

 A

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## AFFIDAVIT OF SERVICE

State of Hawaii

County of

District Court

Case Number: 04-00724 HG/BMK

Plaintiff:

**Motors Insurance Corporation, et al.**

vs.

Defendant:

**Young Brothers, Limited; et al.**

For:

Eleanor's Legal Support.com

14417 Chase Street, #219

Panorama City, CA 91402

Received by Eleanor's Legal Support.com to be served on PIRELLI CABLE NORTH AMERICA INC. by serving Corporation Service Company, 5000 Thurmond Hall Blvd., Columbia, SC 29201.

I, Rhonda Nesbitt, being duly sworn, depose and say that on the 22nd day of March, 2006 at 2:40 pm, I:

Served the within named corporation by delivering a true copy of the **Summons and First Amended Summons and First Amended Complaint** to ERIN DALEY as **LEGAL ASSISTANT, A PERSON AUTHORIZED TO ACCEPT SERVICE** of the within named corporation, at the address listed above, in compliance with State Statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

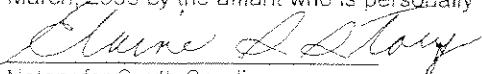


Rhonda Nesbitt  
Process Server

Eleanor's Legal Support.com  
14417 Chase Street, #219  
Panorama City, CA 91402  
(818) 897-2156

Our Job Serial Number: 2006003105  
Ref: 2006007548

Subscribed and Sworn to before me on the 22nd day of March, 2006 by the affiant who is personally known to me.



Notary for South Carolina

My Commission Expires June 13, 2006

My commission expires: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE CORPORATION	)	Civil No. 04-00724 HG/BMK
and BIG ISLAND TOYOTA,	)	
	)	ENTRY OF DEFAULT AGAINST
Plaintiffs,	)	DEFENDANT PIRELLI CABLE NORTH
	)	AMERICA, INC.
vs.	)	
	)	
YOUNG BROTHERS, LIMITED;	)	
HAWAIIAN ELECTRIC COMPANY,	)	
INC.; AMERICAN PACIFIC	)	
TRANSPORT CO., LTD.; PIRELLI	)	
CABLE NORTH AMERICA, INC.,	)	
	)	
Defendants.	)	
	)	

ENTRY OF DEFAULT AGAINST  
DEFENDANT PIRELLI CABLE NORTH AMERICA, INC.

It appearing that Defendant PIRELLI CABLE NORTH AMERICA, INC. is in default for failure to answer or otherwise defend as required by law, default is hereby entered against it pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Honolulu, Hawaii, DEC 07 2006.

5-2507

Clerk of the Above-Entitled Court

*[Signature]*  
John Grotzky  
Deputy Clerk

Deputy Clerk, United States  
District Court, District of Hawaii

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly mailed by way of first class mail, postage prepaid, or hand delivered to each of the following on the date it was filed with the Court:

Randolf Baldemor, Esq.  
1099 Alakea St., Ste 1800  
Honolulu HI 96813

Attys. for Defendant Hawaiian Electric

  
\_\_\_\_\_  
GREG NOSHOKA

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